

MONDAY, JANUARY 29, 2001

SECOND LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Reverend Edwin Sanders, Metropolitan Interdenominational Church, Nashville, Tennessee.

Representative Langster led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Brown; illness.

Representative L. DeBerry; personal reasons.

SPONSORS REMOVED

On motion, Rep(s). Davidson was/were removed as sponsor(s) of **House Bill No. 136**.

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**MESSAGE FROM THE GOVERNOR
January 12, 2001**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 1, 2, 3 and 10, with his approval.

JAMES C. FLOYD, Deputy Counsel to the Governor.

**MESSAGE FROM THE SENATE
January 29, 2001**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 27; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 27 -- Memorials, Death - Trooper John Gregory Mann. by *Harper.

COMMUNICATION

To: Burney Durham

From: Speaker Jimmy Naifeh

Re: Adjustments to Committee Assignments

The following adjustments have been made to the committee appointments which were previously announced:

Representatives Bone and Harwell, at their request, no longer serve on the Children and Family Affairs Committee.

Representative Sands is re-assigned from the Commerce Committee to the Education Committee.

Representative Scroggs is re-assigned from the Conservation and Environment Committee to the Education Committee.

Representative Maddox is re-assigned from the Transportation Committee to the Health and Human Resources Committee.

Please document this accordingly.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 3** -- Constitutional Amendments - Empowers general assembly to authorize state lottery; net proceeds to be allocated to provide financial assistance to enable Tennessee citizens to attend in-state post-secondary educational institutions; excess to be appropriated to K-12 capital outlay projects and early learning and after-school programs. by *Kernell, *Newton, *Langster, *Williams (Williamson), *Kent, *Cole (Dyer), *Davidson.

House State and Local Government Committee

***House Joint Resolution No. 20** -- Constitutional Amendments - Empowers general assembly to authorize state lottery; net proceeds to be allocated to provide financial assistance to enable Tennessee citizens to attend in-state post-secondary educational institutions; excess to be appropriated to K-12 capital outlay projects and early learning and after-school programs. by *Kernell, *Newton, *Langster, *Williams (Williamson), *Kent, *Cole (Dyer), *Davidson.

House State and Local Government Committee

***House Joint Resolution No. 21** -- Constitutional Amendments - Empowers general assembly to authorize state lottery; net proceeds to be allocated to provide financial assistance to enable Tennessee citizens to attend in-state post-secondary educational institutions; excess to be appropriated to K-12 capital outlay projects and early learning and after-school programs. by *Newton, *Kernell, *Langster, *Davidson, *Kent, *Cole (Carter), *Miller L, *McDonald.

House State and Local Government Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for January 31, 2001:

House Resolution No. 4 -- Memorials, Personal Achievement - David C. Roberts, Eagle Scout. by *Black.

House Joint Resolution No. 14 -- Memorials, Death - Clyde Emory Driskill, Jr. by *Davis (Cocke).

House Joint Resolution No. 15 -- Memorials, Professional Achievement - Andy Boswell, Cancer Research. by *Hargrove.

House Joint Resolution No. 16 -- Memorials, Retirement - Lawrence D. Boyd. by *Head.

House Joint Resolution No. 18 -- Memorials, Public Service - The Sarcoidosis Research Institute. by *Turner (Shelby).

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House Joint Resolution No. 19 -- Memorials, Personal Occasion - Mrs. Alversa Williams Lee, 90th birthday. by *Turner (Shelby).

House Joint Resolution No. 22 -- Memorials, Death - James Freeman Vines of Oak Ridge. by *Caldwell.

House Joint Resolution No. 23 -- Memorials, Personal Occasion - Pearl Weaver, 100th Birthday. by *Fraleigh.

House Joint Resolution No. 24 -- Memorials, Retirement - Lt. Jay Johnson, Germantown Police Department. by *Scroggs, *Kent, *Stanley.

House Joint Resolution No. 25 -- Memorials, Personal Achievement - Cyndie Swafford, National Multiple Sclerosis Mother of the Year. by *Walker.

House Joint Resolution No. 26 -- Memorials, Personal Achievement - Tracy S. Speake Germantown Lion's Club Citizen of the Year, 2000. by *Scroggs, *Kent, *Stanley.

SENATE JOINT RESOLUTIONS (Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for January 31, 2001:

Senate Joint Resolution No. 27 -- Memorials, Death - Trooper John Gregory Mann. by *Harper.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

***House Bill No. 128** -- Motor Vehicles, Titling and Registration - Authorizes issuance of cultural license plate for technology. by *Shepard.

***House Bill No. 129** -- Fireworks - Conforms present designation of Class C and Class B fireworks to current U. S. Department of Transportation designation as Fireworks 1.4G and 1.3G, accordingly. Amends TCA Title 67 and Title 68, Chapter 104. by *Lewis, *Hagood, *Wood, *Curtiss, *Ferguson.

***House Bill No. 130** -- Workers' Compensation - Extends termination date from December 31, 2001 to July 1, 2003, of provision to allow employee whose back is injured to be able to choose health care provider from three physicians or surgeons designated by employer or chiropractor designated by employer. Amends Public Chapter 990 of the Public Acts of 2000. by *Odom, *Jones, S., *Turner (Shelby), *Briley, *West, *Armstrong.

***House Bill No. 131** -- Naming and Designating - "McCormick-Hardison National Guard Armory" in Lewisburg. by *Fowlkes.

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House Bill No. 132 -- Taxes, Excise - Revises type of trust of family-owned non-corporate entity which is exempt from paying excise taxes. Amends TCA Section 67-4-2008. by *Fowlkes.

House Bill No. 133 -- Motor Vehicles, Titling and Registration - Authorizes issuance of Dr. Martin Luther King, Jr. new specialty earmarked license plates; allocates 50 percent of funds produced from sale thereof to National Civil Rights Museum for educational purposes. Amends TCA Title 55, Chapter 4. by *Turner (Shelby), *DeBerry J, *Jones U (Shelby), *Miller L, *Cooper B, *Chumney, *Brooks, *Bowers, *Pleasant, *Armstrong, *Towns.

***House Bill No. 134** -- Bail, Bail Bonds - Requires magistrate to consider in determining bail that defendant's criminal conduct resulted in death of law enforcement officer engaged in performance of official duties. Amends TCA Title 40, Chapter 11, Part 1. by *Langster, *Ferguson, *Boyer, *Ridgeway, *Turner (Hamilton), *Kent, *Pruitt, *Kisber, *Cooper B, *Kernell.

House Bill No. 135 -- Sports - Enacts "Uniform Athlete Agents Act of 2001." Amends TCA Title 49, Chapter 7, Part 21; Title 62 and Title 67. by *Head, *Todd, *Roach, *Westmoreland, *Davis (Cocke).

***House Bill No. 136** -- Military - Expands limitation on consecutive years of advisory service to Tennessee state guard from five to seven years Amends TCA Title 58, Chapter 1, Part 4. by *Patton, *DeBerry J.

House Bill No. 137 -- General Assembly - Prohibits smoking in restrooms and hallways of War Memorial Building and Legislative Plaza. by *Black.

***House Bill No. 138** -- Alcoholic Offenses - Decreases from .10% to .08% blood alcohol content necessary to constitute offense of DUI per se; repeals offense of adult DWI but permits use of prior convictions for certain purposes. Amends TCA Title 55, Chapter 10 and Title 55, Chapter 50. by *Overbey.

***House Bill No. 139** -- Budget Procedures - Creates performance-based budget review pilot project. Amends TCA Title 9, Chapter 4 and Title 13, Chapter 5. by *Scroggs.

***House Bill No. 140** -- Criminal Offenses - Reclassifies violent offense when committed while acting in concert with two or more people. Amends TCA Title 39, Chapter 12 and Title 39, Chapter 13. by *Scroggs.

***House Bill No. 141** -- Sentencing - Establishes as new aggravating factor whether defendant committed murder after having been enjoined by court order from causing or attempting to cause bodily injury or assault against victim. Amends TCA Title 39, Chapter 13, Part 2. by *Scroggs.

***House Bill No. 142** -- Guardianship - Allows statement that Tennessee and United States tax returns have been timely filed to replace former requirement that copy of such tax returns be submitted to court; replaces "sworn statement" with "witnessed statement" language. Amends TCA Title 34. by *Scroggs.

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***House Bill No. 143** -- Estates - Allows publication of accounting if addresses of heirs or distributees of other interested persons are unknown; clarifies procedure for computation of elective share if parties were married, divorced, and then remarried each other. Amends TCA Title 30 and Title 31. by *Scroggs.

House Bill No. 144 -- School Districts, Special - At request of school district board, authorizes South Carroll County Special School District to levy an additional tax of \$1.00 per \$100 for construction and maintenance of school property. Amends Chapter 278 of the Private Acts of 1955. by *Maddox.

***House Bill No. 145** -- Hospitals and Health Care Facilities - Creates new class of health care facilities for facilities with less than 25 beds for purposes of assessing health care facility fees based on number of beds. Amends TCA Section 68-11-216. by *Arriola.

***House Bill No. 146** -- Criminal Procedure - Changes distribution of revenues derived from seizures, confiscations, or sales by county or municipal law enforcement related to certain drug offenses; 75 percent of revenues after compensating entity for expenses to be transmitted to department of health and placed in alcohol and drug treatment fund. Amends TCA Section 40-33-211. by *Arriola.

***House Bill No. 147** -- Public Health - Prohibits use of treated ash aggregate (TAA) in residential areas (occupied or unoccupied). Amends TCA Title 68. by *Odom.

***House Bill No. 148** -- General Assembly - Gives members of general assembly same annual percentage increase given each fiscal year to state employees as across-the-board or cost-of-living raise, however described; increase to be applied to salary beginning month of November each year. Amends TCA Section 3-1-107. by *Miller L.

House Bill No. 149 -- Highway Signs - "Bewley's Bridge," spanning Nolichucky River on S.R. 340 at Cocke County-Greene County boundary. by *Davis (Cocke), *Whitson.

House Bill No. 150 -- Cocke County - Subject to local approval, declares shipment, possession, use, or sale of fireworks to be illegal act other than for public display by holders of permit for public display. by *Davis (Cocke).

***House Bill No. 151** -- Firearms and Ammunition - Defines "personalized handgun"; restricts selling, assigning, or otherwise transferring any handgun in this state unless it is personalized handgun; provides for personalized handgun study commission. Amends TCA Title 39, Chapter 17, Part 13. by *Brooks, *Miller L.

***House Bill No. 152** -- Gas, Petroleum Products, Volatile Oils - Allocates all revenue from tax on natural gas and oil, less cost of administration, to county from which natural gas and oil were removed from ground. Amends TCA Title 60, Chapter 1, Part 3. by *Givens.

House Bill No. 153 -- TennCare - Requires bureau of TennCare to accept pre-admission evaluations submitted by transmission via facsimile machine regardless of length of transmission. Amends TCA Title 56 and Title 71. by *Caldwell.

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House Bill No. 154 -- Local Government, General - Allows, instead of requires, local governments to set and collect processing fee in amount that is equal to amount paid third-party processor for processing credit card or debit card payment. Amends TCA Section 9-1-108. by *Caldwell.

House Bill No. 155 -- Election Laws - Enacts "The 2000 Presidential Election Debacle Reform Bill of 2001." Amends TCA Title 2. by *Kisber.

***House Bill No. 156** -- Taxes, Gasoline, Petroleum Products - Extends period of time from 30 days to 30 business days for county legislative body to act on resolution or ordinance to levy one cent local gasoline tax following filing of petition with county legislative body to levy such tax. Amends TCA Title 67, Chapter 3. by *Cole (Dyer).

***House Bill No. 157** -- Transportation, Dept. of - Increases time for filing inventory of county highway machinery, equipment, tools, supplies, and material from 60 to 75 days from date chief administrative officer takes office. Amends TCA Title 54. by *Cole (Dyer).

***House Bill No. 158** -- Safety - Increases, from 200 to 300 feet, distances required for clear view of vehicle parked on highway outside business or residential district. Amends TCA Title 55. by *Cole (Dyer).

***House Bill No. 159** -- Transportation, Dept. of - Requires present report of long range and coordinated statewide transportation plan, which is to be submitted to general assembly by commissioner of transportation every two years, to be submitted by February 1st of first year of each new general assembly. Amends TCA Title 4. by *Cole (Dyer).

***House Bill No. 160** -- Public Contracts - Incrementally increases present amount of public works contracts in excess of \$100,000 for which contractor is required to post 25 percent bond by increasing amount annually based on consumer price index as published by U. S. Bureau of Labor Statistics. Amends TCA Title 12. by *Cole (Dyer).

***House Bill No. 161** -- Water - Authorizes state to exercise authority over effluents if federal government unable to perform duties due to budget shortfalls. Amends TCA Title 68 and Title 69. by *Cole (Dyer).

House Bill No. 162 -- Local Government, General - Prohibits person from standing for election to public office requiring posting of surety bond if such person is unable to obtain such surety bond. Amends TCA Title 6. by *Pruitt.

***House Bill No. 163** -- Local Education Agency - Expands from five schools to five LEAs in each grand division who are required to file report with commissioner of education on conflict resolution intervention programs. Amends TCA Section 49-2-118. by *Pruitt.

***House Bill No. 164** -- Disabled Persons - Enacts "Tennessee Americans with Disabilities Act of 2001." Amends TCA Title 4, Chapter 21. by *Pruitt, *Turner (Davidson).

***House Bill No. 165** -- Auctions and Auctioneers - Requires auctioneer to disclose if owner of record of property bids at auction of such property and to further disclose to successful bidder that sale of such property is voidable if owner did bid. Amends TCA Title 62, Chapter 19, Part 1. by *Pruitt.

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***House Bill No. 166** -- Hospitals and Health Care Facilities - Requires, when application for nonresidential methadone treatment facility is filed with health facilities commission, that notice of such filing be sent to members of general assembly who represent district in which such facility is proposed to be located. Amends TCA Section 68-11-106. by *Pruitt.

***House Bill No. 167** -- Criminal Offenses - Creates offense of failing to cover deer or other wildlife carcasses while being transported on public highways; offense to be Class C misdemeanor; multiple offenses punishable by loss of hunting privileges; hunting during license suspension period is Class B misdemeanor. Amends TCA Title 39, Chapter 17, Part 1 and Title 70, Chapter 4, Part 1. by *Odom.

***House Bill No. 168** -- Controlled Substances - Enacts "Controlled Substance Monitoring Act of 2001." Amends TCA Title 53, Chapter 10. by *Odom.

***House Bill No. 169** -- Death - Establishes form for appointing persons with power to dispose of remains; establishes priority list of persons who possess that power without designation by decedent; establishes certain duties concerning interments. Amends TCA Title 62 and Title 68. by *Odom.

***House Bill No. 170** -- Limitation of Actions - Removes period of limitation of prosecution for offense of rape or aggravated rape. Amends TCA Section 40-2-101. by *DeBerry J.

***House Bill No. 171** -- Alcoholic Offenses - Requires law enforcement officer to conduct test to determine blood alcohol of driver involved in accident resulting in injury or death if officer has probable cause to believe driver committed DUI, vehicular assault, vehicular homicide, or aggravated vehicular homicide. Amends TCA Title 55, Chapter 10, Part 4. by *DeBerry J.

***House Bill No. 172** -- Limitation of Actions - Increases period of time to prosecute certain criminal homicide offenses. Amends TCA Section 40-2-101. by *DeBerry J.

***House Bill No. 173** -- Criminal Procedure - Increases penalty for offense of identity theft from Class D felony to Class C felony. Amends TCA Title 39, Chapter 14, Part 1. by *DeBerry J.

***House Bill No. 174** -- Attorneys at Law - Reduces number of members of board of law examiners from nine to three. Amends TCA Section 23-1-101. by *Westmoreland.

***House Bill No. 175** -- Traffic Safety - Authorizes private entity to conduct court-ordered driver education courses provided course is approved by department of safety and private entity meets requirements for private entities providing misdemeanor probation services; increases fee permitted for such course from \$50.00 to up to \$300. Amends TCA Section 55-10-301. by *Westmoreland.

***House Bill No. 176** -- Jails, Local Lock-ups - Authorizes Tennessee corrections institute to enforce compliance with minimum jail standards through provisional certification, decertification, order excluding a county from the state subsidy program, or initiation of court action; authorizes promulgation of rules. Amends TCA Title 41. by *DeBerry J.

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***House Bill No. 177** -- Child Custody and Support - Changes review of child support guidelines from every four to every two years; makes department of human services responsible for review and sending recommendations to supreme court and copy to House Children and Family Affairs Committee of house of representatives. Amends TCA Section 36-5-101. by *Maddox.

***House Bill No. 178** -- Taxes, Alcoholic Beverages - Increases tax on gallon of spirits from \$4.00 to \$5.00; earmarks funds for TennCare. Amends TCA Title 56; Title 57; Title 67 and Title 71. by *Maddox.

***House Bill No. 179** -- Mental Retardation - Revises definition of "home health service" to expand exemption for services provided by community agencies serving persons with developmental disabilities residing in community pursuant to contract with department of mental health and developmental disabilities. Amends TCA Title 68, Chapter 11. by *Maddox.

***House Bill No. 180** -- Mental Health and Developmental Disabilities, Dept. of - Requires department to use UAPA proceedings before imposing sanctions against mental health and developmental disabilities' licensees. Amends TCA Title 33, Chapter 2. by *Maddox.

***House Bill No. 181** -- Highway Signs - "Frank J. Glankler, Jr. Bridge" on S.R. 57 in Hardeman County. by *Shaw, *Naifeh, *Kisber.

House Bill No. 182 -- Collection Agencies - Grandfathers in as location managers persons with 10 years experience in collection services who meet all other qualifications of location managers. Amends TCA Title 62, Chapter 20, Part 1. by *Dunn.

House Bill No. 183 -- Police - Provides that high school equivalency degree obtained from accredited correspondence school that is recognized as such by any institution of higher education in this state is sufficient to satisfy qualifications necessary to become police officer. Amends TCA Title 38, Chapter 8, Part 1. by *Shepard.

***House Bill No. 184** -- Safety, Dept. of - Includes members of capitol police within compensation survey and schedule established for other commissioned officers of department. Amends TCA Section 4-3-2006 and Title 4, Chapter 7, Part 2. by *Brooks.

***House Bill No. 185** -- Business and Commerce - Defines term "Tennessee-based business enterprise." Amends TCA Section 1-3-105. by *Brooks.

***House Bill No. 186** -- Traffic Safety - Prohibits, subject to certain exceptions, person from operating motor vehicle while using mobile telephone. Amends TCA Title 55, Chapter 8, Part 1. by *Brooks.

***House Bill No. 187** -- Election Laws - Expands number of counties with extended early voting hours by applying provision to counties with population of more than 40,000 instead of to counties with population of more than 150,000. Amends TCA Title 2. by *Givens.

***House Bill No. 188** -- Attorneys at Law - Requires closing attorney to disburse funds to third-party vendors involved in inspection for mortgage loan requirements within 10 days of loan closing. Amends TCA Title 23, Chapter 2 and Title 47. by *Williams (Williamson).

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***House Bill No. 189** -- Motor Vehicles, Titling and Registration - Allows owner or lessee of antique motor vehicle to display license plates of year within 10 years of manufacture of such vehicle instead of current license plates. Amends TCA Section 55-4-111. by *Williams (Williamson).

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 111** -- Scholarships and Financial Aid -- House Government Operations Committee

House Bill No. 112 -- State Employees -- House State and Local Government Committee

***House Bill No. 113** -- Metropolitan Government -- House Judiciary Committee

***House Bill No. 114** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

House Bill No. 115 -- Maryville -- Local Bill Held on House Desk

***House Bill No. 116** -- Insurance, Health, Accident -- Caption Bill Held on House Desk

***House Bill No. 117** -- Massage -- House Health and Human Resources Committee

***House Bill No. 118** -- Tort Liability -- House Judiciary Committee

***House Bill No. 119** -- Tort Liability -- House Judiciary Committee

***House Bill No. 120** -- Tort Liability -- House Judiciary Committee

***House Bill No. 121** -- Tort Liability -- Caption Bill Held on House Desk

***House Bill No. 122** -- Tort Liability -- House Judiciary Committee

***House Bill No. 123** -- Health Care -- House Government Operations Committee

***House Bill No. 124** -- Transportation, Dept. of -- House Transportation Committee

House Bill No. 125 -- Shelbyville -- Local Bill Held on House Desk

House Bill No. 126 -- Traffic Safety -- House Transportation Committee

***House Bill No. 127** -- General Assembly -- House State and Local Government Committee

CONSENT CALENDAR

House Joint Resolution No. 12 -- Memorials, Sports - Portland High School football team, first Blue Cross Bowl champion. by *McDonald, *Black, *Curtiss, *Fowlkes, *Williams (Williamson), *Garrett, *West, *Bone, *Hood, *Rinks.

Senate Joint Resolution No. 16 -- General Assembly, Joint Conventions - State of the State address, January 29, 2001. by *Crutchfield, *Atchley.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes97
Noes0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

ANNOUNCEMENTS

REPORT FILED

The Clerk announced that the Worker's Compensation Advisory Council has filed its Interim Report on Loss Costs System and Assigned Risk Plan with the Clerk's office and that the same is available for review.

ENGROSSED BILLS

January 29, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 12.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, Walker, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

RECESS MOTION

Rep. Davidson moved that the House stand in brief recess, pursuant to Senate Joint Resolution No. 16, to meet with the Senate in Joint Convention for the State of the State Address by the Governor, at the conclusion of which the House stand in recess until 2:00 p.m., Wednesday, January 31, 2001, which motion prevailed.

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IN JOINT CONVENTION

STATE OF THE STATE ADDRESS

MONDAY, JANUARY 29, 2001

The hour having arrived, set by Senate Joint Resolution No. 16, the Senate met with the House in Joint Convention for the purpose of hearing the Governor's State of the State address.

The Joint Convention was called to order by Mr. Speaker Wilder, President of the Joint Convention.

On motion of Senator Crutchfield, the Senate dispensed with Senate Roll Call.

On motion of Representative Davidson, the House dispensed with the House Roll Call.

The Clerk of the Senate read Senate Joint Resolution No. 16 authorizing the Joint Convention.

Senator Crutchfield moved that President Wilder appoint a committee composed of six members of the Senate and six members of the House to notify the Governor that the Joint Convention was in session and awaiting his arrival.

President Wilder appointed Senators Clabough, Davis, Jackson, Norris, Ramsey, Trail, and Representatives Boyer, Davidson, Ford, McDaniel, Pruitt and Rinks to escort the Governor. Representative Davidson served as Chair of the Committee.

Without objection, the Joint Convention stood in recess pending arrival of the Governor.

President Wilder relinquished the gavel to Mr. Speaker Naifeh, as President of the Joint Convention.

BRIEF RECESS

The recess having expired, the Joint Convention was called to order by President Naifeh.

Without objection, the roll calls of the Senate and House were dispensed with.

Representative Davidson was recognized at the entrance of the House Chamber.

Representative Davidson stated, "Mr. President, the Governor of the State of Tennessee."

President Naifeh asked the Committee to Escort the Honorable Don Sundquist to please come forward.

President Naifeh introduced the Honorable Don Sundquist.

MESSAGE BY GOVERNOR SUNDQUIST

“SPELL FUTURE”

Governor Wilder, Speaker Naifeh, Madame Speaker DeBerry, Members of the 102nd General Assembly, Constitutional Officers, Justices of the Supreme Court, Attorney General Summers, Members of the Cabinet,

My fellow Tennesseans...

Congratulations and welcome to the new members of the House of Representatives and the Senate. We thank all members for making the sacrifice you've made in the name of public service. As public officials, nothing matters more than the legacy we leave for our children and our grandchildren.

We have worked together in the past to make sure our legacy is one of promise, hope and opportunity. We have a long history in this state of being fiscally conservative. That's not Republican...that's not Democrat...that's Tennessee. I believe this year will be no different.

It's my honor to come before you tonight to fulfill my constitutional duty to report on the State of our State. If I were going to issue a report card on the State of our State, I'd give it an incomplete because we have so much more to do.

Our state is prosperous. We've gained 290,000 jobs over the past six years. That's a 12 percent job growth. Last year we had \$7 billion dollars in new private capital investment in Tennessee, another record year.

We have some of the lowest unemployment rates in 30 years. The lowest poverty rate in our state's history. And the lowest welfare rolls in over 20 years.

Thanks to the cooperation of this body and this administration, our Families First program has led to a 60 percent reduction in the number of able-bodied people on welfare in Tennessee. Throughout our state we're helping people help themselves. Instead of continuing the cycle of dependency, we're breaking it. We've made access to quality childcare and reliable transportation the cornerstone to helping parents get and keep a job.

Pay is up. Crime is down.

We've taken government online and made it easier to access services and locate information.

We were the first state to connect every public school and library to the Internet. The number of computers in our classrooms has gone from 6,000 to over 150,000 in just four years.

We have the best roads in the country, and they're paid for. Moreover, the investment we've made in roads has helped pave the way to more and better jobs. There are areas of the state where we do need better roads, and we're working on that. We're working on Highway 52 in the Upper Cumberland. Highway 64 from Memphis to Chattanooga. We will continue to invest in these areas, as well as others to build roads that will give more Tennesseans access to their dreams.

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Part of our dream is to keep Tennessee beautiful. As we've grown and prospered, I'm proud to say that much of our state is as awe-inspiring as the day our forefathers discovered it. Just in the last six years, we've added through legislation 23 new natural areas covering thousands of acres. Thanks to private donations and the cooperation of government agencies, this land has come at very little cost and requires only minor maintenance.

One such area is the Bridgestone/Firestone Centennial Wilderness near Chestnut Mountain and Scott's Gulf. With 10,000 acres of unspoiled wilderness, it's one of the largest, private-company land donations in our state's history.

In rugged areas of East Tennessee, elk run free for the first time in 135 years.

For the first time in over 50 years, Tennessee has a new State Forest, the Gulf Tract in Cocke County. It's 6,800 acres nestled between two national forests alongside the Appalachian Trail. It's filled with diverse hardwoods, native trout streams and black bear.

Tennessee's rivers and lakes are cleaner than they've been in over 25 years.

Our soil is cleaner. Our air is cleaner. We're cleaning up our environment, and the eagle has returned to soar over Tennessee.

These are just some of the ways that, together, we are protecting, conserving and managing Tennessee's treasures for generations to come.

Thanks to our TennCare program, more children are being immunized. More women seek and get prenatal care. For the 5th straight year, teen pregnancy is at an all-time low. Infant mortality is at an all-time low, and more babies are celebrating their 1st birthdays. Fewer people are being treated in hospital emergency rooms. We were the first state to make health care available to every child. That's a commitment we need to keep.

It's not just children who depend on TennCare. It's our neighbors, our friends and our families who wouldn't have health insurance any other way. And for every dollar that goes to care for these people, the state pays only 18 cents. TennCare must be saved. I want to thank all the physicians, the hospitals and the advocacy groups...Dr. Caldwell, a pediatrician and a member of the House from Clinton...thank you all for your past commitments and for coming together in recent weeks to figure out how to save this program.

We are doing our best to make it work, but we need the help and commitment of a lot of people. We need MCOs to work with us. We need doctors and specialists to sign up. We need hospitals on board. We need the insurance and business communities to work with us. We need advocates to come to the table instead of going to the courts.

Let me speak very plainly. If TennCare fails, our only real alternative is to drop 350,000 Tennesseans who can't get basic, affordable health insurance. We would do our best to continue to cover our children. But we would shift to a stripped-down, managed-care program for our federally mandated Medicaid population. We will not go to a fee-for-service arrangement.

That's a bad alternative, and it's not my choice.

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If TennCare fails, we'll lose nearly \$700 million in federal matching money. Cities and counties will have to take on charity care.

Make no mistake about it, some hospitals will be forced to close. County Commissioners, City Council members, Mayors and County Executives will face charity care costs that will force them to raise property taxes.

Going back to Medicaid will not solve our state budget problems.

We will present our budget in a couple of weeks, and it will be filled with difficult choices.

We've been borrowing from the future for too long.

We have budget problems brought on by the use of one-time money, a broken and unfair tax structure and a slowing economy.

But by working together, we've been managing government very well. We've dramatically cut the rate of growth of government over the last six years. We must continue to search for, find and root out waste, fraud and inefficiency. That's not easy. It's not always pleasant. But I pledge to continue to do that every day. Our taxpayers deserve no less.

But we still will have to find at least \$300 million to balance this year's budget before we even start the budgeting process for next year.

I'm confident that the people here in this chamber tonight will act responsibly and work with us in a bipartisan way to solve this problem. Together, we've accomplished a great deal. The challenge before us today is how much more we still need to accomplish to get our state where every Tennessean wants it to be.

In 1992, Governor McWherter and the General Assembly...many of you were here...passed the Education Improvement Act, which included the BEP. That brought with it a new funding formula and badly needed investment in K through 12 education. It also put in place a system of testing and assessment that has made Tennessee a national leader. Thanks to those assessments, we know exactly how our children are doing in school.

Last fall, for the first time, we posted school report cards on the web. You can log on and see test scores and gains for every public school in the state.

With all this knowledge in hand, and with the results of a literacy report commissioned by this body, now we know that it's time to focus on reading in Tennessee. We know from test scores that our children can't read as well as they should.

We don't want our legacy to be that we failed to solve our problems. We don't want our legacy to be that we passed them on to the next generation because we didn't have the courage to make the difficult choices.

As parents, when Martha and I dreamed dreams for our children, it was never for them to be below average. Many of you are parents, and I'm certain you've never sent your children to school with the expectation that they come home with Ds and Fs on their report cards.

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Why should we, as the leaders of this state, be any different when it comes to the children of Tennessee?

Why shouldn't we help the children of Tennessee live up to their potential...to fulfill their dreams?

*We have to dream a dream **for** them. To do that, we must invest more in education and expect more in return.*

If we want to continue to talk about new jobs coming to our state, if we want to continue to talk about the very best industries coming to Tennessee and expanding here, we have to continue to invest in education.

If we want our children to be able to take on the jobs of the future, high-tech jobs that demand high-level skills, we should take the results of last fall's statewide school report cards as a wake-up call. We should take our standing in national reading studies as a call to action.

Why do some states do better than others when it comes to student achievement?

The RAND report found that Tennessee isn't doing as well as other states in student achievement and performance goals because we've only invested in one of three essential ingredients.

Those three essential ingredients are:

Reducing class size, which we are doing.

Early childhood education, which we do very little of.

Investing in teachers, which we need to do more of.

Last Friday, I went to Washington to meet with President Bush and a group of Democrat and Republican governors to discuss education. The President's reforms have wide bipartisan support in Washington, and we should be proud that a lot of what President Bush is calling for, we're already doing. He's talking about class size and testing. We're already doing that. He's talking about early childhood education, and that's something we need to do.

It's time for us to build on the education gains and the progress that we've made over the past decade. I have a plan to do that. I have a plan that's based on my dream for the children of Tennessee. The details of that dream are the result of months of input from a lot of people, Democrats and Republicans, teachers and principals and committed state employees.

I'd like to recognize some of those people if I could. Would you please stand as I call your name...Jan Bushing, with the Department of Education; Ethel Detch and Bill White, with the Office of Education Accountability; Lynnissee Patrick, with TACIR; and Karen Weeks, with the State Board of Education. Also with us this evening is the man who led the RAND study. Allow me to introduce Dr. David Grissmer. I understand he's testifying before your committees this week.

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Dr. Grissmer, would you please stand...

What Dr. Grissmer and his team of researchers discovered is that the education reforms passed by states in the 1980s and 90s seem to be working.

Thanks to the BEP, we're doing a good job of reducing class size in our schools. According to the latest survey, Tennessee ranked 21st nationally for its pupil-teacher ratios, further proof that targeted investments work. We're making a difference by reducing class size, and we should continue that focus.

We're not doing such a good job, however, when it comes to early childhood education and making sure our teachers have the tools they need to help our children become better readers. That's why it's time for us to take the next step. It's time for us to make significant investments in each of these areas.

Schools I've visited throughout our state are already proving what is possible.

I was down in Chattanooga several weeks ago at Calvin Donaldson Elementary. With contributions from a private foundation down there, they've put a team of reading specialists in place to work one-on-one with 50 students every day. In just one year, they've seen measurable improvements.

During my visit to Chadwell Elementary, right over here in Madison, I learned that, thanks in large part to federal dollars, every child who's struggling with reading in kindergarten and 1st grade gets intensive reading lessons for 40 minutes each day. I learned that while the latest report cards showed Chadwell had fallen behind in reading, its students are now showing some of the largest value-added gains in the system. They're making these gains because Chadwell is taking the time to teach its children to read. I can't tell you how proud I am of the commitment that these principals and teachers are making to turn things around.

We would be nowhere without them. We thank all of our teachers.

Think back with me for a minute. I bet everyone here tonight can remember a special teacher's name and the impact that teacher had on you. I'll never forget when I was first elected governor, one of my teachers, Miss Vance, sent me a handkerchief with an iris on it. She hadn't forgotten me, and I sure haven't forgotten her.

Teachers have a profound influence on a child's life. We need to make sure we give them every tool we can to help them help our children become better readers, better mathematicians, better scientists and better communicators. I've met so many wonderful teachers and principals as I've visited schools. Several of them are with us tonight. I'd like to ask them to stand, and let's give them a hand.

Every teacher and principal I've met has taught me just how much they care about our children. They want to do a good job. They're passionate about their profession.

If you haven't already, I encourage each of you to take the time to visit the schools in your district and see for yourselves the dedication and the commitment that our teachers, our parents and our principals have. I am inspired every time I visit a school.

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Eyes can tell you a lot about people, and I can see the excitement in these children's bright and shiny eyes. When I sit down and read a book with them, they just soak it up. You know what I'm talking about. That look in a child's eyes when you actually sit down and read a book with them, how they ask questions, and you can see their little minds just working, trying to remember what comes next in the story, or how funny that frog or that dog or that mouse is.

That's what it's all about. Sparking that interest. Feeding that flame. I believe reading is that spark, that fundamental foundation to learning.

We don't have a statewide reading program in Tennessee. We don't. We need one, and tonight, I'm proposing one.

I propose we start educating our children earlier, emphasize reading, provide the right tools, and ensure accountability. If we do that, there's no reason why a single child should leave 3rd grade unable to read, and the citizens of our state should hold us accountable for doing so.

This is how I think we do it.

We start by investing in the people who, outside of parents, have the most influence on a child's life. We start with the teachers.

First, we offer our best and brightest an incentive to enter the teaching profession. I propose we increase the number of scholarships and target them to people who will commit to certain subjects or school systems, depending on where we have a shortage. As a way of knowing where the teaching opportunities are, we will also develop a web site that lists every job opening at every public school across the state. And for people who have heard the calling to teach but who have spent most of their lives in another profession, let's offer an intensive training program to help get them into the classroom as soon as possible.

*Next, let's offer our teachers encouragement to **stay** in the classroom. The assistant principal over at Maynardville Elementary told me that the first five years are the key to keeping good teachers. They're also the toughest years. A second grade teacher over in Fayette County was telling me how her transition from college to teaching was so overwhelming that she probably would have left teaching had it not been for the mentoring program at her school.*

That's pretty compelling testimony.

I propose we establish a mentoring program in every school so that first year teachers have someone to turn to for guidance. And let's pay extra to teachers who agree to put in extra time doing the mentoring.

Let's also offer extra pay for teachers who become Nationally Board Certified. We only have 30 nationally certified teachers in the classroom right now, none of whom receive a dime more for their accomplishment. Every surrounding state rewards its nationally certified teachers, and I think we should too.

I also think it's absolutely inexcusable for teachers to have to pay for supplies out of their own pockets.

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To make sure that does not happen, my plan calls for doubling the amount of discretionary dollars for each teacher. That would provide every public school teacher in Tennessee with at least \$200 a year to spend in the classroom. That will mean more reading workbooks, more flash cards and more tangible tools to help kids understand words and concepts...tools that put words in their hands so that they stay in their minds. And then, daring to dream, we set a goal of 500 dollars per teacher per classroom within five years.

Let's also enhance the technology available to teachers by upgrading school computer lines and making personal computers more affordable through our state contract. To be successful, we need a seamless educational system that starts with early childhood education and continues through to higher education.

I propose continued investment in higher education.

I will fulfill year two of my five-year commitment to higher education. I also continue in my support for the people's right to vote on a lottery as long as the proceeds from a lottery are earmarked for higher education and pre-K.

I call on the higher education community to work with K through 12 educators to evaluate the current college curriculum. Let's ask teachers what changes we need to make and what they need when they enter the classroom.

Second, let's enhance student teaching programs so teachers have spent plenty of time observing and helping out in someone else's class before they go it alone. It's imperative that as we do a better job preparing teachers to teach, we also do a better job preparing kids to learn.

There's a wonderful reading teacher at Carnes Elementary in Memphis who told me what a difference it would make if every child had some sort of preschool experience. As it is, we have children who come to kindergarten in this state who have never held a book, never been read to. Their little eyes haven't even been trained to follow a sentence from left to right, much less recognize their ABCs. Thanks to Head Start, federal grants and some state funds, we're already reaching some of these children.

I propose, in the next five years, we make preschool available to all our four year olds, starting with those most at risk. We'll also strive, as resources are available, to include our most at risk three year olds. We will work with our existing child-service agencies and Family Resource Centers to help make sure we meet our goals.

Our goal is to help our children succeed, not watch them fail. So to make sure we help those who maybe didn't have the benefit of preschool or an intensive reading program...we must go back and identify seventh and eighth graders who, based on their achievement scores, may have trouble passing the tests to graduate from high school.

We made the right decision by passing the Gateway testing program. We set up a system of accountability to make sure a high school diploma means something in Tennessee. But we know we have kids who won't pass those tests. If they fail, we fail.

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Therefore, I propose we send targeted money to middle schools to work one-on-one with the young people who aren't doing well. We will help them catch up so they will earn a diploma that means something. Whether that's through after-school tutoring, weekend tutoring...whatever works, let's do it.

Last, and most important, there's reading.

Teaching our children to read better is the centerpiece of my plan. If they can read, they can do math. If they can read, they can understand science. If they can read, they can become successful. Because in America, education is the great equalizer.

I propose we have at least one teacher in every school whose job is not just to teach kids to read but to teach other teachers...a so-called "reading coach." This approach is already working in places like Maryville Middle School, where teaching is tailor-made to each student's needs. It seems simple and basic, I know. But every teacher out there is not a reading expert. I propose we make them one. Let's give every teacher the chance to teach reading as part of every subject. The reading coaches will also be responsible for getting parents involved and attracting volunteers to come into the schools to read.

Won't it be wonderful when the people of Tennessee are as passionate about reading coaches in our schools as we are about football, baseball, basketball and soccer coaches? Imagine what a difference that will make.

I believe if we do what I propose...if we invest in our teachers, in our classrooms, in our children, and if we do our job as parents...we will see results.

We will hold ourselves accountable to the citizens of Tennessee. We know we must show results, and we will build in specific achievement goals and accountability measures to make sure of it.

It's time to work harder to bring everyone together...every family, every community, every school, every social and civic group...to make absolutely sure that every child in Tennessee meets or exceeds reading expectations by the 3rd grade.

We have to be like Milton and Rupert and Lydia, three quarrelsome frogs in the book that I've been reading to 1st graders all across the state. Milton, Rupert and Lydia each claimed ownership over the water in the pond, the soil on the island and the air in the sky.

One day a toad came along and told the frogs that he was getting no peace and they would have to stop all their bickering. Of course, the frogs went on about their usual business, until one day when a storm came and flooded their island. They each clung to their individual rocks as long as they could. Finally, the floodwaters covered all but one rock, so they had to share. As it turned out, the rock was no rock at all. They had been resting on the back of that toad, the very one who wanted them to work together.

Instead of screaming, It's Mine! It's Mine! The frogs finally realized that the pond and the sky and the island were theirs to share.

Everyone in this state has a shared responsibility to make Tennessee a better place for our children and our grandchildren than it is for us today.

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We, as parents, must do a better job and be actively involved. Educators can't be solely responsible for our children's development.

Together, we must focus on the problems and the promise of our public schools.

Together, we can reinforce the foundation of lifelong learning and economic success.

Together, we can choose to make a down payment on the future and make a difference in the lives of thousands of Tennessee children.

Together, we must teach our children to read. Because if they can't read, they can't spell future.

Thank you. God bless you, God bless our children, and God bless Tennessee.

President Naifeh stated, "The purpose for which this Joint Convention was called having been accomplished, the Joint Convention stands dissolved."